

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PAUL ANTHONY LANDINGHAM,

No. 2:12-cv-01678-ST

Petitioner,

ORDER

v.

STEVE FRANKE, Superintendent, Two
Rivers Correctional Institution,

Respondent.

Paul Anthony Landingham, Pro Se
17142542
Two Rivers Correctional Institution
82911 Beach Access Rd
Umatilla, OR 97882-9419

Samuel A. Kubernick
Department of Justice
1162 Court Street NE
Salem, OR 97301

Attorney for Respondent

HERNANDEZ, District Judge:

Magistrate Judge Stewart issued a Findings and Recommendation (#22) on October 9, 2013, in which she recommends that the Court deny Petitioner's Writ of Habeas Corpus (#1). Petitioner filed objections to the Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

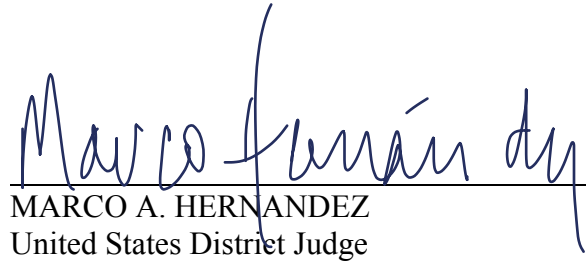
I have carefully considered Petitioner's objections and conclude that the objections do not provide a basis to modify the recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court adopts Magistrate Judge Stewart's Findings and Recommendation (#22). Accordingly, Petitioner's Writ of Habeas Corpus (#1) is denied. A certificate of appealability is denied on the basis that Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 8 day of November, 2013.


MARCO A. HERNANDEZ
United States District Judge